

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	DIVISION ONE
)	
Respondent,)	No. 63532-8-I
)	(Consol. with No. 63533-6-I)
v.)	
)	
ALI JEILANI SALIM,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: June 21, 2010
_____)	

Dwyer, C.J. — When a juvenile defendant willfully misrepresents himself or herself as an adult to a court he or she forfeits the statutory right to be adjudicated as a juvenile. Because Ali Jeilani Salim willfully misrepresented himself as an adult, the trial court correctly denied Salim’s motion to withdraw his guilty pleas and his motion for transfer to the juvenile court. Accordingly, we affirm.

I

The State charged Salim with one count of vehicle prowling in the second degree, in violation of RCW 9A.52.100, and one count of residential burglary, in violation of RCW 9A.52.025. Salim subsequently entered guilty pleas to both charges. When he did so, Salim represented his date of birth as being January 1, 1990, making him 19 years of age at the time.

Prior to sentencing, Salim moved to withdraw his pleas and moved for an

order of transfer to the juvenile division of the superior court, claiming to be a juvenile, contrary to his prior representations. At the hearing on the motions, Salim testified that his actual birth date was April 20, 1991, which would have made him 17 years of age at the time he entered his pleas. He further testified that he knew that date to be his actual date of birth at all times pertinent to this case. The trial court found that Salim had willfully misrepresented himself as an adult, and denied the motions. Salim appeals.

II

Salim contends that he is entitled to withdraw the guilty pleas because he was actually a juvenile when he entered them. We disagree.

We review for abuse of discretion a trial court's ruling on a motion to withdraw a guilty plea. State v. Bao Sheng Zhao, 157 Wn.2d 188, 197, 137 P.3d 835 (2006) (citing State v. Marshall, 144 Wn.2d 266, 280, 27 P.3d 192 (2001)). A trial court abuses its discretion if it applies the incorrect legal standard. Gillett v. Conner, 132 Wn. App. 818, 822, 133 P.3d 960 (2006) (citing Wash. State Physicians Ins. Exch. & Ass'n v. Fisons Corp., 122 Wn.2d 299, 339, 858 P.2d 1054 (1993)). We review for substantial evidence a trial court's findings of fact. State v. Brockob, 159 Wn.2d 311, 343, 150 P.3d 59 (2006) (citing Nordstrom Credit, Inc. v. Dep't of Revenue, 120 Wn.2d 935, 939, 845 P.2d 1331 (1993)).

Although the juvenile division of the superior court has jurisdiction over persons younger than 18 years of age, RCW 13.04.030(e), juveniles forfeit¹ the

¹ Although the cases speak in terms of "waiver," the proper terminology is "forfeiture."

statutory right to be adjudicated as such if they willfully misrepresent themselves as adults to the trial court. In re Sheppard v. Rhay, 73 Wn.2d 734, 739-40, 440 P.2d 422 (1968). Our Supreme Court has explained that to allow juvenile defendants to withdraw their guilty pleas after misrepresenting themselves as adults would require courts to police the veracity of defendants' representations and allow defendants to manipulate the adjudicative process. Sheppard, 73 Wn.2d at 740 (quoting Penn v. Peyton, 270 F. Supp. 981, 984 (W.D.Va. 1967)); see also Nelson v. Seattle Mun. Court, 29 Wn. App. 7, 10, 627 P.2d 157 (1981).

At the hearing on the motion to withdraw his pleas, Salim's own testimony established that he willfully misrepresented his age to the trial court. He testified that, at all pertinent times, he knew of his true age but still provided false information to the trial court. His motivation for doing so is irrelevant. Substantial evidence supports the trial court's finding that Salim had willfully misrepresented his age. Thus, the trial court correctly denied the motion to withdraw the pleas.

III

In addition, Salim contends that the hearing on the motion to withdraw was inadequate. Again, we disagree.

As a general rule, an adult court's jurisdiction over a juvenile must be confirmed either by a hearing conducted by the juvenile court known as a

See, e.g., City of Tacoma v. Bishop, 82 Wn. App. 850, 920 P.2d 214 (1996) (a defendant may forfeit his Sixth Amendment right to counsel as a result of egregious conduct).

Dillenburg² hearing or a substitute Dillenburg hearing in adult court. In re Pers. Restraint Petition of Dalluge, 152 Wn.2d 772, 782, 100 P.3d 279 (2004). The purpose of such a hearing is to determine whether declination of juvenile court jurisdiction would be proper. Dalluge, 152 Wn.2d at 784-85; Dillenburg, 70 Wn.2d at 343. Whether a court has jurisdiction is a question of law, which we review de novo. State v. Y.I., 94 Wn. App. 919, 922, 973 P.2d 503 (1999) (citing Equity Group, Inc. v. Hidden, 88 Wn. App. 148, 153, 943 P.2d 1167 (1997)).

“[W]here a juvenile willfully deceives an adult criminal court into believing that he or she is an adult and does not correct the error, the defendant waives his or her right to proceed in juvenile court, and adult criminal court jurisdiction can be deemed proper on that basis alone.” Dalluge, 152 Wn.2d at 781 (citing Sheppard, 73 Wn.2d at 739). Once the trial court determines that a juvenile willfully misrepresented himself or herself to be an adult the trial court’s inquiry is complete. Sheppard, 73 Wn.2d at 739-40; Nelson, 29 Wn. App. at 9. Here, the trial court correctly found that Salim willfully misrepresented his age. Therefore, adult court jurisdiction was proper. Dalluge, 152 Wn.2d at 781 (citing Sheppard, 73 Wn.2d at 739). No further inquiry was required. The trial court did not err.

Affirmed.

² In re Dillenburg v. Maxwell, 70 Wn.2d 331, 442 P.2d 783 (1967).

Dupre, C. S.

We concur:

Spencer, J.

Becker, J.